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REPORTER'S RECORD
VOLUME 1 OF 1 VOLUME
TRIAL COURT CAUSE NO. 2012-DCR-1617
- - - - - x
THE STATE OF TEXAS : IN THE DISTRICT COURT
VS. : CAMERON COUNTY, TEXAS
SCOTT WILLIAM HESS : 197TH JUDICIAL DISTRICT
- - - - - x

STATUS HEARING [ON PSYCHIATRIC EVALUATION AND REPORT]

On the 5th day of September, 2012, the following proceedings came on to be heard in the above-entitled and numbered cause before the Honorable Migdalia Lopez, Judge Presiding, held in Brownsville, Cameron County, Texas.

Proceedings reported by computerized stenotype machine.

COPY

A P P E A R A N C E S

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-AND-

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2	STATUS HEARING ON PSYCHIATRIC EVALUATION AND REPORT		
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1 P R O C E E D I N G S

2 (Open court, defendant present,
3 1:16 p.m.)

4 THE COURT: Scott William Hess,
5 2012-DCR-1617, Santiago Galarza.

6 Sir, who is your attorney?

7 THE DEFENDANT: Santiago Galarza.

8 THE COURT: You hired him?

9 THE DEFENDANT: No.

10 THE COORDINATOR: He was probably
11 court appointed, Your Honor.

12 THE COURT: Was he court appointed
13 previously? This is a motion to revoke?

14 THE COORDINATOR: This is on Hess?

15 THE COURT: Yes.

16 THE COORDINATOR: No, it's -- I have
17 it down for a --

18 THE COURT: [A psychiatric?]

19 THE COORDINATOR: Yes, a status
20 hearing.

21 THE COURT: Have we heard from
22 Mr. Galarza?

23 THE COORDINATOR: No.

24 THE COURT: Okay. Have a seat, sir,
25 and we will look for your attorney. Page him.

1 (Bailiff complied)

2 (Case recessed from 1:17 p.m. to
3 2:24 p.m.)

4 THE COURT: Mr. Sorola.

5 MR. SOROLA: Your Honor, I'm here with
6 Mr. Hess, 2012-DCR-1617.

7 THE COURT: No. 34.

8 MR. SOROLA: Mr. Galarza was
9 previously appointed.

10 THE COURT: Yes.

11 MR. SOROLA: He hasn't appeared or
12 talked to Mr. Hess. [Mr. Hess was evaluated and I
13 just got the report.] I think Mr. Gilman and I can
14 work this out, but I'm going to need a little bit of
15 time.

16 THE COURT: Okay. We will give you
17 the time.

18 MR. SOROLA: Just the next court date.

19 THE COORDINATOR: Next Friday?

20 MR. SOROLA: Next Friday is fine.

21 THE COORDINATOR: September 14 at
22 9:00.

23 MR. SOROLA: 9/14 at 9:00.

24 (The hearing was concluded at
25 2:25 p.m.)


1 THE STATE OF TEXAS:

2 COUNTY OF CAMERON:

3 I, KARY RICHARDSON, Official Court Reporter in
4 and for the 197th Judicial District Court of Cameron
5 County, State of Texas, do hereby certify that the
6 above and foregoing contains a true and correct
7 transcription of all portions of evidence and other
8 proceedings requested in writing by counsel for the
9 parties to be included in this volume of the
10 Reporter's Record, in the above-entitled and numbered
11 cause, all of which occurred in open court or in
12 chambers and were reported by me.

13 I further certify that this Reporter's Record of
14 the proceedings truly and correctly reflects the
15 exhibits, if any, admitted by the respective parties.

16 WITNESS MY OFFICIAL HAND on this the 17th day of
17 June, 2015.

18
19 
20 KARY RICHARDSON, Texas CSR 1952
21 Expiration Date: 12/31/2016
22 Official Court Reporter
23 197th District Court
24 Cameron County, Texas
25 974 East Harrison Street
Brownsville, Texas 78520
(956) 544-0874

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REPORTER'S RECORD
VOLUME 1 OF 1 VOLUME
TRIAL COURT CAUSE NO. 2012-DCR-1617
- - - - - x
THE STATE OF TEXAS : IN THE DISTRICT COURT
VS. : CAMERON COUNTY, TEXAS
SCOTT WILLIAM HESS : 197TH JUDICIAL DISTRICT
- - - - - x

PLEA OF GUILTY

On the 14th day of September, 2012, the following proceedings came on to be heard in the above-entitled and numbered cause before the Honorable Migdalia Lopez, Judge Presiding, held in Brownsville, Cameron County, Texas.

Proceedings reported by computerized stenotype machine.

COPY

A P P E A R A N C E S

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VOLUME 1

PLEA OF GUILTY

SEPTEMBER 14, 2012

PAGE

VOL

Defendant Adjudicated Guilty and a
Presentence Investigation Report Ordered

11

1

Punishment set for October 10, 2012
at 1:00 p.m.

12

1

Adjournment

12

1

Certificate of Court Reporter

13

1

INDEX OF EXHIBITS

STATE'S EXHIBITS:

NO. DESCRIPTION

OFFERED

RECEIVED

VOL

1 Written Waiver and
Consent to Stipulation
of Testimony, Waiver of
Jury, and Plea of Guilty

10

11

1

2 Brownsville Police
Department Offense/
Incident Report, 2
Sexual Assault Reports,
BPD Law Incident Narrative
of Officer Julio Sanchez,
Jr., [and BPD Law Incident
Supplement Narrative of
Detective David Navarro, Jr.]

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1 P R O C E E D I N G S

2 (Open court, defendant present,
3 9:19 a.m.)

4 THE COURT: Then you have Scott
5 William Hess.

6 MR. SOROLA: This is Mr. Hess, Your
7 Honor.

8 THE COURT: 2012-DCR-1617.

9 MR. SOROLA: I had him brought in
10 today. I have the plea papers. [Because he's on
11 medication, I want some time to go over it with him.]
12 We will approach the court in a little bit, we will
13 enter a plea on that, and explain to the court what's
14 going on in that case.

15 THE COURT: Okay. I will call you
16 back.

17 MR. SOROLA: Thank you, Your Honor.

18 (Case recessed from 9:20 a.m. to
19 10:11 a.m.)

20 THE COURT: Mr. Sorola?

21 MR. SOROLA: Yes, Your Honor.

22 THE COURT: On Scott William Hess,
23 2012-DCR-1617.

24 MR. SOROLA: [I just need a little time
25 to talk to him. Because he's on medication,] [I'm

1 going to explain very slowly what he's about to enter
2 into, Your Honor.]

3 THE COURT: All right.

4 (Case recessed from 10:12 a.m. to
5 10:55 a.m.)

6 THE COURT: Okay. Go ahead and just
7 concentrate on Mr. Hess.

8 MR. SOROLA: We are ready, Your Honor.
9 It's going to be the -- We are going to enter the
10 plea right now. I just didn't want the two to be
11 mixed together.

12 THE COURT: Oh, I'm sorry. I did not
13 understand you very well.

14 MR. SOROLA: That's what I meant is I
15 didn't want you to do both at the same time.

16 THE COURT: No, I understand that, but
17 I thought you still needed more time to go over it.

18 MR. SOROLA: No, we are ready, Your
19 Honor.

20 THE COURT: Oh, okay. That's the part
21 I didn't understand.

22 MR. SOROLA: Yes. I'm sorry.

23 THE COURT: That's all right.

24 Scott William Hess?

25 THE DEFENDANT: Yes, Your Honor.

1 THE COURT: In 2012-DCR-1617, you and
2 your attorney have signed a document, a piece of
3 paper, which is called the Written Waiver and Consent
4 to Stipulation of Testimony, Waiver of Jury, and Plea
5 of Guilty. What this means when you signed this
6 paper, what you telling me is, "Judge, I am pleading
7 guilty and I am asking you, Judge, to find me
8 guilty." Do you understand that, sir?

9 THE DEFENDANT: I understand, Your
10 Honor. I won't do that again.

11 THE COURT: Do you understand that the
12 range of punishment for indecency, exposure, is for a
13 term of not less than two years nor more than ten
14 years, to which may be added a fine not to exceed
15 \$10,000?

16 THE DEFENDANT: I understand, Your
17 Honor.

18 THE COURT: You understand that there
19 is no plea bargain between your attorney and the
20 State, it's what's called a cold plea?

21 THE DEFENDANT: Yes, Your Honor.

22 THE COURT: Sir, are you a U.S.
23 citizen?

24 THE DEFENDANT: Yes, ma'am.

25 THE COURT: Did anybody force you or

1 coerce you into entering this plea?

2 THE DEFENDANT: No, ma'am.

3 THE COURT: So you are pleading guilty
4 because you are guilty and for no other reason?

5 THE DEFENDANT: That's right, Your
6 Honor. I won't do that again.

7 THE COURT: Have you ever been in a
8 mental institution or suffered from mental illness?

9 THE DEFENDANT: Yes, Your Honor.

10 THE COURT: And when was that, sir?

11 THE DEFENDANT: I have a history going
12 back to when I was 19 years old.

13 THE COURT: And what is your history,
14 sir?

15 THE DEFENDANT: Well, I've been in the
16 Rio Grande State Center briefly about four years ago,
17 I was off my medicine, and I went two weeks one time
18 and three weeks another time, and they put me back
19 home. And before that, we go all the way back to
20 when I was 19, I had a nervous breakdown coming out
21 of puberty, I stopped sleeping, and I take medication
22 for sleep basically.

23 At the time of this incident, I was
24 not on my medication. Because of my job as a truck
25 driver, I missed an appointment at Tropical and they

1 kicked me out of the program. And I've been going
2 there ever since I lived in Texas since '91, and I
3 wasn't able to get my medicine.

4 THE COURT: But you are on your
5 medication right now?

6 THE DEFENDANT: Yes, ma'am. I'm back
7 on my medication.

8 THE COURT: Okay.

9 THE DEFENDANT: And a --

10 THE COURT: And you understand
11 everything that's going on here in court?

12 THE DEFENDANT: Pretty much, Your
13 Honor.

14 THE COURT: Okay. Is there anything
15 that you do not understand that you would like me to
16 explain to you?

17 THE DEFENDANT: No, Your Honor.

18 THE COURT: Have you been able to
19 understand everything your attorney has been telling
20 you and assist him?

21 THE DEFENDANT: Yes, Your Honor. He's
22 very patient with me, yes.

23 THE COURT: Good. Mr. Sorola, have
24 you had sufficient time to consult with your client
25 and is he competent to enter this plea?

1 MR. SOROLA: Your Honor, I have had
2 sufficient time. [I have reviewed the September 1,
3 2012 report from Dr. David Moron] regarding the
4 defendant in which Dr. Moron interviewed Mr. Hess,
5 and it was Dr. Moron's finding that Mr. Hess is
6 able -- has a good understanding of the charges
7 against him and that he is able and willing to
8 consult with his attorney and discuss the
9 consequences and any defenses that he may have to
10 those charges.

11 [I spoke to Mr. Hess now on several
12 occasions] and he fully understands the consequences
13 of a guilty plea, what the range of punishment is or
14 could be, and any defenses that he would have to the
15 allegation made. Mr. Hess understands that there are
16 several witnesses and that there were children
17 around.

18 [In the report he admits to doing what
19 he did.] He is regretful. He was off his medication.
20 [He realizes just because he didn't take his
21 medication that doesn't give him the right to commit
22 crimes] [He knows that's not a defense to what he
23 did.] It's an issue that we will take up at
24 sentencing.

25 He fully understands, [in my opinion,]

1 what's going on; the fact that we do not have a plea
2 agreement with the court; the fact that after the
3 presentence report is compiled, that we will be back
4 before this court; and this court will consider the
5 presentence report and Mr. Hess' mitigating factors
6 and assess punishment at that time.

7 And I told Mr. Hess that the district
8 attorney, Mr. Gilman, right now is offering five
9 years TDC and that Mr. Hess -- [at that sentencing
10 hearing,] [Mr. Gilman may ask for ten years TDC] but
11 that we will be asking for the minimal punishment
12 from the court.

13 Is that right, Mr. Hess?

14 THE DEFENDANT: Yes, sir.

15 MR. SOROLA: You understand everything
16 that we've talked about?

17 THE DEFENDANT: Yes, sir.

18 MR. SOROLA: Okay.

19 THE COURT: What says the State?

20 MR. GILMAN: We will offer Exhibits 1
21 and 2, Judge.

22 MR. SOROLA: No objections, Your
23 Honor.

24 THE COURT: They will be admitted.

25 (State's Exhibit Nos. 1 and 2 were

1 admitted)

2 THE COURT: Based on the evidence,
3 Mr. Hess, I will find you guilty. I will ask for a
4 PSI, that's a Presentence Investigation Report, and I
5 will ask you to come back.

6 Can you guys have it for me October
7 the 8th?

8 THE PROBATION OFFICER: Yes, Your
9 Honor.

10 MR. SOROLA: Oh, is that a Monday,
11 Judge?

12 THE COURT: Yes.

13 MR. SOROLA: I'm going to be out of
14 town. It's a federal holiday and I'm going to do
15 some federal CLE. I believe it's --

16 THE COURT: Then the following Monday
17 is October 15th.

18 MR. SOROLA: Let me check real quick.
19 I just don't want to have it scheduled and then
20 reschedule it.

21 THE COURT: Well, how about Wednesday?

22 MR. SOROLA: That's fine, Your Honor.
23 I will be here. It's just that one Monday I'm gone.

24 THE COURT: Okay. Then let's do it
25 Wednesday. What is Wednesday? October the 8th is

1 Monday.

2 THE COORDINATOR: You will be back by
3 the 10th?

4 MR. SOROLA: Yes. I'm just gone that
5 Monday. I will be back that Monday night.

6 THE COORDINATOR: The 10th. 10/10 at
7 1:00.

8 MR. SOROLA: 10/10 at 1:00. Thank
9 you, Your Honor.

10 THE COURT: Okay. Then thank you.
11 You may be seated.

12 (The hearing was concluded at
13 11:03 a.m.)

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1 THE STATE OF TEXAS:

2 COUNTY OF CAMERON:

3 I, KARY RICHARDSON, Official Court Reporter in
4 and for the 197th Judicial District Court of Cameron
5 County, State of Texas, do hereby certify that the
6 above and foregoing contains a true and correct
7 transcription of all portions of evidence and other
8 proceedings requested in writing by counsel for the
9 parties to be included in this volume of the
10 Reporter's Record, in the above-entitled and numbered
11 cause, all of which occurred in open court or in
12 chambers and were reported by me.

13 I further certify that this Reporter's Record of
14 the proceedings truly and correctly reflects the
15 exhibits, if any, admitted by the respective parties.

16 WITNESS MY OFFICIAL HAND on this the 17th day of
17 June, 2015.

18
19 
20 KARY RICHARDSON, Texas CSR 1952
21 Expiration Date: 12/31/2016
22 Official Court Reporter
23 197th District Court
24 Cameron County, Texas
25 974 East Harrison Street
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